

Notice of Allowability

Application No.

10/828,737

Examiner

Courtney D. Fields

Applicant(s)

PEDLOW ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 21 May 2007.
2. ☒ The allowed claim(s) is/are 1-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached.
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 2/12/2007, 5/17/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 24 and 42 have been amended.
2. Claims 1-46 are pending.

Information Disclosure Statement

3. The Information Disclosure Statements respectfully submitted on 17 May 2007 and 12 February 2007 have been considered by the Examiner.

Response to Arguments

4. Applicant's arguments filed 21 May 2007 have been fully considered and they are persuasive.

Allowable Subject Matter

5. **Claims 1-46** are allowed.
6. The following is an examiner's statement of reasons for allowance: The present invention is directed toward a method and system for processing content to be delivered in a video on demand method by selecting first portions of the content for encryption under a selective encryption system and selecting second portions of the content to remain unencrypted. Each independent claim identifies the uniquely distinct features "**processing content to be delivered in a VOD method by selecting first portions of the content for encryption under a selective encryption system and selecting second portions of the content to be remain unencrypted, storing the first and second portions, receiving a request for delivery of the content and determining that the request is from a terminal having decryption capabilities associated with a first decryption method, after receiving the request for delivery of the content**

and determining that the request is from a terminal having decryption capabilities associated with the first decryption method, encrypting the first portions using a bulk encryption process compatible with the first decryption method to produce encrypted first portions”.

The closest prior art, Candelore et al. (US Patent No. 7,039,938) discloses a video on demand (VOD) method, consistent with the invention involves storing multiple selective encrypted VOD content on a VOD server; receiving an order for the VOD content specifying delivery to a target decoder; determining what CA encryption system is associated with the order; stripping all encrypted segments from the multiple selectively encrypted content that are not associated with the order to produce single selectively encrypted VOD content; and sending the single selectively encrypted VOD content to the target decoder. The multiple selectively encrypted VOD content can be created by examining unencrypted data representing digital content to identify segments of content for encryption; encrypting the identified segments of content using a first encryption method associated with a first conditional access system to produce first encrypted segments; encrypting the identified segments of content using a second encryption method associated with a second conditional access system to produce second encrypted segments; and replacing the identified segments of content with the first encrypted content and the second encrypted content in the digital content, to produce the multiple selectively encrypted VOD content. However, either singularly or in combination, Candelore et al. fail to anticipate or render the claimed limitation, after making the determination of using a certain

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type of decryption used by the station that ordered the content, will the portion selected for encryption bulk encrypted and then buffered so that it can be assembled with the unencrypted content to form the selectively encrypted content that will be sent to the station that ordered the content.

The closest prior art, Gaydos et al. (Pub. No. 2004/0267602) discloses a method and system for asymmetrically handling content requests for content and delivery of content, with more bandwidth devoted to the delivery of the content than to the request for content. The request for content is sent upstream over a first network and then sent upstream to a content library over a second network. The content is retrieved from the content library, based on the request, and sent over a third network that is distinct (logically and/or physically) from the second network. The third network has high bandwidth compared to the bandwidth of the second network. The retrieved content is processed, which may include buffering and decrypting, and is then sent to the user. The retrieved content may be sent to the user downstream over the first network, using more bandwidth than the bandwidth used for sending the request upstream from the user. However, either singularly or in combination, Gaydos et al. fail to anticipate or render the claimed limitation, after making the determination of using a certain type of decryption used by the station that ordered the content, will the portion selected for encryption bulk encrypted and then buffered so that it can be assembled with the unencrypted content to form the selectively encrypted content that will be sent to the station that ordered the content.

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7. Therefore, **claims 1,9,15,19,24,32,38, and 42**, and the respective **dependent claims 2-8,10-14,16-18,20-23,25-31,33-37,39-41, and 43-46** are in condition for allowance.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



cdf

June 11, 2007


MATTHEW SMITHERS
PRIMARY EXAMINER
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